

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FLEX LOGIX TECHNOLOGIES, INC.,
Petitioner,

v.

VENKAT KONDA,
Patent Owner.

IPR2020-00260
IPR2020-00261
IPR2020-00262¹
Patent 8,269,523 B2

Before SALLY C. MEDLEY, THOMAS L. GIANNETTI, and
JO-ANNE M. KOKOSKI, *Administrative Patent Judges*.

KOKOSKI, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

¹ The parties are not authorized to use this style heading for any subsequent papers.

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On Friday, March 20, 2020, Patent Owner Venkat Konda contacted the Board to request an extension of the March 24, 2020 deadline to file preliminary responses in the above-referenced proceedings. Ex. 3001. Patent Owner requested the extension due to the shelter-in-place order in San Jose, California (where Patent Owner is located) that went into effect on March 17, 2020. *Id.* In light of the circumstances, we extended the due date for the preliminary responses for two weeks, to April 7, 2020. *Id.*

On March 31, 2020, the Office issued a Notice of Waiver of Patent-Related Timing Deadlines under the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act Notice”). The CARES Act Notice states, in relevant part:

Upon a request to the USPTO affirming that a filing due between, and inclusive of both, March 27, 2020 and April 30, 2020 was or may be delayed due to the COVID-19 outbreak as defined above in subsection (1)(b), the PTAB shall provide a 30 day extension of time for . . . a patent owner preliminary response in a trial proceeding under 37 C.F.R. §§ 42.107 or 42.207, or any related responsive filing.

CARES Act Notice, 3 (subsection (2)(a)(iii)). Subsection (1)(b) of the CARES Act Notice provides, in relevant part, that a delay in filing is due to the COVID-19 outbreak if a patent owner or other person associated with the filing was personally affected by the COVID-19 outbreak, including through office closures, inaccessibility of files or other materials, or similar circumstances.

On April 1, 2020, Patent Owner contacted the Board by e-mail, requesting a further extension of the preliminary response filing deadline in

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light of the Office’s CARES Act Notice. Patent Owner states that, as a pro se litigant, he is “severely affected for the lack of help/ability to do research due to the shelter-in-p[l]ace in San Jose CA which is as of now extended [until] May 3, 2020.” Ex. 3001.

We determine that Patent Owner has made the requisite showings, and therefore, in accordance with the CARES Act Notice, we agree that a thirty-day extension of Patent Owner’s deadline to file preliminary responses in these proceedings is warranted. Accordingly, we grant the request and extend the due date for filing a preliminary response in each of the above-referenced proceedings from April 7, 2020, to May 6, 2020.

It is therefore

ORDERED that Patent Owner’s deadline to file a preliminary response in each of IPR2020-00260, IPR2020-00261, and IPR2020-00262 is extended to May 6, 2020.

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